

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL HOME LOAN
MORTGAGE CORPORATION, its
assignees and/or successors,

Plaintiff,

v.

DUANE WOODMAN, and DOES 1-
10, inclusive,
Defendant.

No. CV 13-8381 UA (DUTYx)

ORDER SUMMARILY REMANDING
ACTION TO STATE COURT

The Court will remand this "Complaint for Unlawful Detainer Following Foreclosure Sale Action Based on Code of Civil Procedure Section 1161a," Case No. LC130380, to state court summarily because Defendant removed it improperly.

On November 12, 2013, Defendant Duane Woodman, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*.

The Court has denied the *in forma pauperis* application under separate cover because the action, again, was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

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1 Simply stated, as the Court has previously determined, Plaintiff could not have
 2 brought this action in federal court in the first place, in that Defendant does not
 3 competently allege facts supplying either diversity or federal-question jurisdiction, and
 4 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*
 5 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if
 6 complete diversity of citizenship existed, the amount in controversy does not exceed the
 7 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
 8 contrary, the unlawful-detainer complaint recites that the amount in controversy does not
 9 exceed \$10,000.

10 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
 11 28 U.S.C. §§ 1331, 1441(b).

12 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
 13 Court of the State of California, County of San Luis Obispo, San Luis Obispo Civil
 14 Operations Judicial District, 1035 Palm Street, San Luis Obispo, California 93408 for
 15 lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send
 16 a certified copy of this Order to the state court; and (3) that the Clerk serve copies of this
 17 Order on the parties.


18 IT IS SO ORDERED.

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 20 DATED: 11/27/13



 GEORGE H. KING
 Chief United States District Judge

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 23 Presented by:

24 
 25 /S/ FREDERICK F. MUMM
 26 FREDERICK F. MUMM
 27 United States Magistrate Judge
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